

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**GEORGE LEE MARSHALL, JR.,**

Plaintiff,

No. 3:19-cv-01668-CL

v.

OPINION AND ORDER

**LEWIS KYLE; ALISA ABLES;  
JENNIFER LAFOLLETTE; MICHAEL  
SEALE,**

Defendants.

**MOSMAN, J.,**

On February 5, 2021, Magistrate Judge Mark D. Clarke issued his Findings and Recommendation (F. & R.) [48]. Judge Clarke recommends that I grant Defendants' Motion for Summary Judgment [ECF 21] and deny Plaintiff's Motions for Summary Judgment [ECF 39, 40]. No objections were filed. Upon review, I agree with Judge Clarke and ADOPT his F. & R. as my own opinion.

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

Upon review, I agree with Judge Clark's recommendation and I ADOPT the F. & R. [48] as my own opinion. Defendants' Motion for Summary Judgment [ECF 21] is GRANTED. Plaintiff's Motions for Summary Judgment [ECF 39, 40] are DENIED. This case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 9<sup>th</sup> day of March, 2021.



MICHAEL W. MOSMAN  
United States District Judge